

W.P.S.T. 56 of 2026

**Prabir Roy @ Prabir Ray
VS.
The State of West Bengal & Ors.**

Mr. Lal Ratan Mondal

...for the Petitioner

Mr. Tapan Kumar Mukherjee, Id. A.G.P.,
Mr. Somnath Naskar

...for the State

1. Heard the learned advocate for the writ petitioner and the learned State advocate.
2. The petitioner's father died-in-harness on 13.03.2004. The petitioner submitted an application for compassionate appointment on 07.04.2011, more than seven years after his father died. The petitioner has submitted the application on attaining majority. Having made an application in 2011, the Original Application was filed nearly 11 years thereafter in the year, 2022 before the West Bengal Administrative Tribunal ('Tribunal' for short).
3. The Tribunal is non-functional today for want of any member. Under the circumstance, the writ petition has been filed seeking adjudication of pending Original Application substantially for grant of compassionate appointment to the writ petitioner.
4. We made a specific query from the learned advocate for the petitioner, as to why the matter

should be considered when the petitioner's application for compassionate appointment was made seven years after the demise of his father and an Original Application filed again belatedly after an inordinate delay of more than a decade. There is nothing on record to show that in between the petitioner took any steps whatsoever, nor any statement has been made in any way to explain the delay.

5. The learned advocate for the petitioner, however, submits that the mother made an application within time for consideration of the claim for compassionate appointment i.e. on 03.05.2004.
6. The submission, however, does not inure to the petitioner's benefit. It is admitted in the Original Application that the mother did not possess the minimum requisite qualification and no compassionate appointment was granted to her. The death of petitioner's father having occurred in the year 2004, there is no provision to sustain making of an application seven years thereafter by the writ petitioner.
7. We also find that the petitioner approached the Tribunal more than a decade after making an application for compassionate appointment. The O.A. would otherwise also be faced with the hurdle of limitation before the Tribunal.

8. Therefore, no case is made out for taking up the matter for consideration of the petitioner's claim in writ jurisdiction since the claim is barred by limitation before the Tribunal. Before this Court also exercising jurisdiction under Article 226 of the Constitution of India, the petitioner's claim is barred by delay and laches, specifically since the claim is in relation to a claim for compassionate appointment, which by now is settled is founded on a concept of immediacy due to the penury arising out of sudden loss of the bread winner. Compassionate appointment is not a source of appointment to be availed at any time in future. The law in this regard was recently stated by the Apex Court in the case of in the case of ***State of West Bengal Vs. Debabrata Tiwari & Ors.*** reported in ***(2025) 5 SCC 712.***
9. The writ petition is belated and devoid of merit.
10. The Writ Petition is dismissed.
11. In view of dismissal of the present writ petition, the pending Original Application bearing O.A. No. 337 of 2022 before the Tribunal, is also disposed of in these terms, as pendency of the same would be futile.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)